

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

RECEIVED

OCT 4 2006

HARFORD COUNTY

Shaded Areas for Office Use Only

Case No.	5573
Date Filed	9/29/06
Hearing Date	
Receipt	
Fee	\$450.00

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☒ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☒ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code

CASE 5573 MAP 64 TYPE Variance ELECTION DISTRICT 01

LOCATION 303 Philadelphia Road, Joppa 21085

BY Community Baptist Church

Appealed because a variance pursuant to Section 267-24A(1) and Section 267-36B Table IV of the Harford County Code to permit a Church to be located within the 56.5' side yard setback with height adjustment (47' proposed) and within the 56.5' side yard setback with height adjustment (38' proposed) and a variance pursuant to Section 267-36B Table IV of the Harford County Code to allow a use setback of 15.8' on the east side, a use setback of 22' on the southwest corner and a use setback of 43' on the northwest corner of the property (50' use setback is required) in the R1 District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Community Baptist Church Phone Number 410-679-9631
Address 303 Philadelphia Rd. Joppa, MD 21085
Street Number Street City State Zip Code

Co-Applicant Pastor Alphonso Higgins Phone Number 410-679-2426
Address 3070 Ebbtide Drive Edgewood MD 21040
Street Number Street City State Zip Code

Contract Purchaser Min. William Higgins Phone Number 410-679-4918
Address 102 Fungsten Court Joppa MD 21085
Street Number Street City State Zip Code

Attorney/Representative Mercedes C. Samborsky, Esq. Phone Number 410-679-2010
Address 309 Garnett Road Joppa MD 21085
Street Number Street City State Zip Code

Land Description

Address and Location of Property Community Baptist Church, 303 Philadelphia Rd, Joppa,
MD 21085

Subdivision Herberts Division Lot Number _____

Acreage/Lot Size 3.524 Ac ⁺ Election District 1st Zoning R1

Tax Map No. 64 Grid No. #28 B/E-2 Parcel 63/255 Water/Sewer: Private ☐ Public ☒

List ALL structures on property and current use: Church (main structures) (House of Worship)
Small shed behind Church

Estimated time required to present case: _____ 1 hour

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

See attached Zoning Plan, Richardson Engineering

Justification

Increased size of congregation requires expansion of building as indicated
on zoning plan. Requested variances necessary to accomodate increased
number of congregation using house of worship facility.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

1. A variance is requested to the minimum side yard building setback per 267.36.R1 of the Harford County Development Regulations and detailed as follows.

A) On the East side of the property a side yard building setback variance of 9.5' is requested, as the required side yard setback, with height adjustment, is 56.5' and the provided setback is 47'.

B) On the West side of the property a side yard building setback variance of 18.5' is requested, as the required side yard setback, with height adjustment, is 56.5' and the provided setback is 38'.

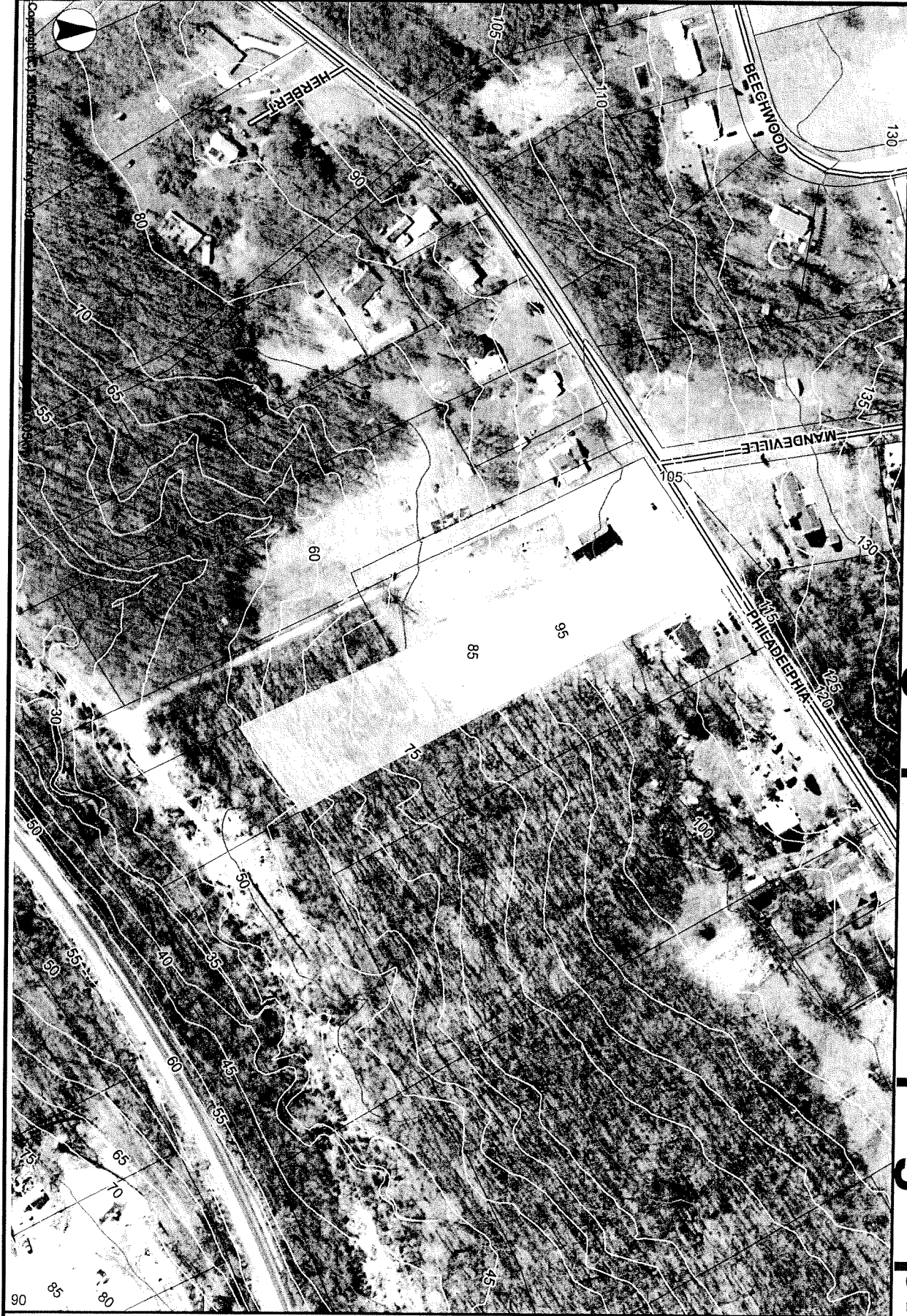
2. A variance is requested to the use setback per 267-36.R1 of the Harford County Development Regulations and detailed as follows.

A) On the East side of the property a use setback variance of 34.2' is requested, as the required use setback is 50' and the provided setback is 15.8'.

B) At the Southwest corner of the property a use setback variance of 28' is requested, as the required use setback is 50' and the provided setback is 22'.

C) At the Northwest corner of the property a use setback variance of 7' is requested, as the required use setback is 50' and the provided setback is 43'.

Aerial Photograph with topography



☒ Overview

Lei

Selected Fi

Contours

Roads



Parcels

2004 Ortho

D. R. CRAIG
COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING AND ZONING

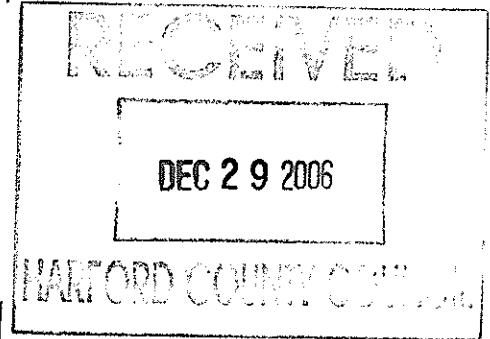
HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

December 29, 2006

STAFF REPORT

BOARD OF APPEALS CASE NO. 5573



APPLICANT/OWNER: Community Baptist Church
303 Philadelphia Road, Joppa, Maryland 21085

Co-APPLICANT: Pastor Alphonso Higgins
3070 Ebbitide Drive, Edgewood, Maryland 21040

CONTRACT PURCHASER: Min. William Higgins
102 Fungsten Court, Joppa, Maryland 21085

REPRESENTATIVE: Mercedes C. Samborsky, Esquire
309 Garnett Road, Joppa, Maryland 21085

LOCATION: Community Baptist Church-303 Philadelphia Road
Tax Map: 64 / Grid: 28 B/E-2 / Parcel: 63 and 255
Election District: First (1)

ACREAGE: 3.524 acres (total)

ZONING: R1/Urban Residential District

DATE FILED: September 29, 2006

HEARING DATE: January 8, 2006

Preserving Harford's past; promoting Harford's future

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Community Baptist Church

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APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"See attached zoning plan, Richardson Engineering" (Attachment 1 site plan).

Justification:

"Increased size of congregation requires expansion of building as indicated on zoning plan. Requested variances are necessary to accommodate increased number of congregation using house of worship facility."

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-24A(1) and Section 267-36B Table IV of the Harford County Code to permit a Church to be located within the 56.5 foot side yard setback with height adjustment (47 feet proposed) and within the 56.5 foot side yard setback with height adjustment (38 feet proposed) and a variance pursuant to Section 267-36B Table IV of the Harford County Code to allow a use setback of 15.8 feet on the east side, and a use setback of 22 feet on the southwest corner and a use setback of 43 feet on the northwest corner of the property (50' use setback is required) in the R1/Urban Residential District.

Section 267-24A(1) of the Harford County Code reads:

(1) County buildings and strictures, schools, houses of worship, hospitals or high rise apartment dwellings, provided that the front, side and rear yards shall be increased not less than one (1) foot for each two (2) feet by which said structure exceeds the height limitation established for the district in which said structure is located.

Enclosed with the report is a copy of Section 267-36B Table IV of the Harford County Code (Attachment 2).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants property is located on the south side of Philadelphia Road (MD Route 7) across from Mandeville Road. A location map is enclosed with the report (Attachment 3).

The subject property is located within the southwest area of the Development Envelope. The predominant land use designations in this area of the County includes Low, Medium and High Intensities and Industrial/Employment. The Natural Features Map reflects Stream Systems. The subject property is designated as Low Intensity which is defined by the 2004 Land Use Plan as:

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Community Baptist Church

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Low Intensity – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are example of some of the nonresidential uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses generally conform to the intent of the Master Plan. The area surrounding the subject property contains a mix of uses. Residential uses include single family dwellings, townhouses and condominiums. Commercial uses include retail and service uses. There are also automotive uses and light manufacturing. The topography of this area ranges from rolling to steep especially near the stream valleys. Enclosed with the report is a copy of the aerial photograph for the general area along with a topography map (Attachments 6 and 7).

The subject property contains 2 parcels which will be combined. The property is somewhat irregular in shape and is very long and narrow. Single-family residential lots border the subject property to the east and west. The topography of the property slopes gently down from the road to the rear of the lot. The lot also slopes from west to east. The existing improvements include a church, paved parking area and a cemetery. The proposal is to combine the parcels and construct a new church and parking area. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 8 and 9).

Zoning:

The zoning classifications in the area are generally consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning is R1/Urban Residential. Commercial zoning in the immediate area is B1/Neighborhood Business, B3/General Business and CI/Commercial Industrial. The subject property is zoned R1/Urban Residential District as shown on the enclosed copy of the zoning map (Attachment 10).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-24A(1) and Section 267-36B Table IV of the Harford County Code to permit a Church to be located within the 56.5 foot side yard setback with height adjustment (47 feet proposed) and within the 56.5 foot side yard setback with height adjustment (38 feet proposed) and a variance pursuant to Section 267-36B Table IV of the Harford County Code to allow a use setback of 15.8 feet on the east side, and a use setback of 22 feet on the southwest corner and a use setback of 43 feet on the northwest corner of the property (50' use setback is required) in the R1/Urban Residential District.

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Section 267-24A(1) of the Harford County Code reads:

(2) County buildings and strictures, schools, houses of worship, hospitals or high rise apartment dwellings, provided that the front, side and rear yards shall be increased not less than one (1) foot for each two (2) feet by which said structure exceeds the height limitation established for the district in which said structure is located.

Enclosed with the report is a copy of Section 267-36B Table IV of the Harford County Code (Attachment 2).

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

Upon review of the information submitted, it appears that only the variance from the 50 foot use setback is required. The height of the proposed church is 43 feet. Therefore; the required building setbacks would be 56.5 feet front, 46.5 feet side and 86.5 feet rear. The new church will meet these requirements. The existing church is under 30 feet high and meets all the standard setback requirements except for the 50 foot use setback. Although this structure is 38 feet from the side property line at its closest point it is almost 45 feet away at the southern corner. The code allows for the side yard to be averaged.

The Applicants are proposing a 15.8 foot use setback on the east side of the property. The parking lot will be 22 feet from the property line on the southwest side and 43 feet on the northwest side. Also, the existing church structure is only 38 feet from the western property line. The graveyard is only 10 ± feet from the western property line.

The Department finds that the subject property is unique based on its configuration. The property is long and narrow. The existing parking lot, church structure and graveyard are within the use setback along the western property line. The Applicants are proposing landscaping along the eastern property line in the vicinity of the adjacent dwelling. The request should not have an adverse impact on the adjacent properties or the intent of the Code.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested use setback variance be approved subject to the following conditions:

1. The Applicants shall obtain all necessary permits and inspections.
2. The Applicants shall submit a site plan for review and approval thru the Development Advisory Committee.

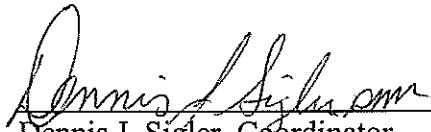
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3. The Applicants shall submit a final landscaping plan to the Department of Planning and Zoning for review and approval with the site plan.
4. The two parcels shall be combined.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, Deputy Director
Department of Planning and Zoning

DJS/ASM/dm